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HUSCH EPPENBERGER LLC
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PATENT APPLICATION

IN THE UNITED STATES PATENT OFFICE

In re application of:
Dr. Klaus-Dieter Vorlop

Serial No.: 09/720,190

Filed: February 20, 2001

For: *Process for Producing a Polyvinyl Alcohol
Gel and a Mechanically Highly Stable Gel
Produced Thereby*

Docket Number: 61251-010

Examiner: Marie L. Reddick

Group Art Unit: 1713

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AFFIDAVIT OF INVENTOR

1. I, Dr. Klaus-Dieter Vorlop, do solemnly state upon my oath and declaration, that the following is true and accurate.
2. I am an inventor of the above-referenced patent application.
3. My qualifications in the field of producing polyvinyl alcohol gels and similar products include the following degrees: Prof. Dr. My qualifications also include _____ years of experience in the field.
4. Phase separation is not a necessary consequence of adding polyethylene glycol to polyvinyl alcohol solutions. Phase separation does not usually occur merely because polyethylene glycol and polyvinyl alcohol are together in the same solution.
5. I have reviewed the Venkatraman et al. (U.S. 6,039,977) and Charmot et al. (U.S. 4,737,533) references cited in the Office Action in the above-captioned case. Phase separation does not occur in any solution described in either of the references.

PHORIA-168151-v2-affidavit of Dr. Vorlop.DOC

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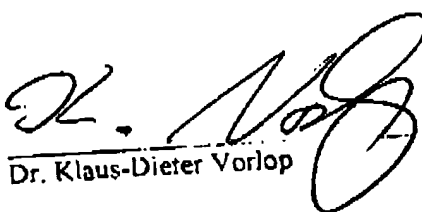
PATENT APPLICATION

[6. In fact, I have attempted to induce phase separation by using the materials and following the procedures indicated in the Venkatraman and Charmot references. Phase separation did not occur when polyvinyl glycol was added to PVA in any manner described in those references.]

7. I am not aware of any prior art document, product or technique in which phase separation of a solution including polyvinyl glycol and polyvinyl alcohol occurs, without using the novel and inventive procedure that is the subject of our current patent application.

8. The phase separation of the current inventive procedure is induced by following the process steps according to the presently pending claims, in their proper sequence. The proper sequence includes the steps a, b and c from claim 1 (utilizing an aqueous polyvinyl alcohol solution, dissolving an additive therein and adding a biologically active material thereto) in any order. Next, sequentially, after steps a, b and c are completed, the overall solution must be dehydrated as recited in the claim. Then, next, after dehydrating step d, the solution is re-hydrated

Further Affiant sayeth naught.


Dr. Klaus-Dieter Vorlop

PCT/EP/04/005/005-2-01/04/04 Dr. Vorlop.DOC

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